

# City Council Agenda

Council President  
Blong Xiong

Councilmembers

Oliver L. Baines III  
Lee Brand  
Steve Brandau – Acting President

Paul Caprioglio  
Clinton J. Olivier  
Sal Quintero

City Manager  
Mark Scott

City Clerk  
Yvonne Spence, CMC

City Attorney  
Douglas T. Sloan

The meeting room is accessible to the physically disabled. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at 559-621-7650 at least three business days prior to the meeting. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, contact Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

## April 11, 2013

### 8:30 A.M. ROLL CALL

Invocation by Pastor Joe Basile of the Fresno First Baptist Church

Pledge of Allegiance to the Flag

### Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Councilmember Olivier - **Presented**

Proclamation of “JAZZ APPRECIATION MONTH” – Council President Xiong – **Read and presented**

Proclamation of “COLLEGE MAKING IT HAPPEN MONTH” – Councilmember Baines- **Read and presented**

Proclamation of “PUBLIC SAFETY TELECOMMUNICATIONS WEEK” – Mayor and All Councilmembers –  
**Read and presented**

The agenda and related staff reports are available on ([www.fresno.gov](http://www.fresno.gov)) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

**PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk’s Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of [March 28, 2013](#)

**Action Taken:** Approved

Approve Successor Agency minutes of [March 28, 2013](#)

**Action Taken:** Approved

Councilmember Reports and Comments

**Action Taken:** Report made

Approve Agenda

**Action Taken:** Approved, as amended

Adopt Consent Calendar

**Action Taken:** Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. **RESOLUTION** - Of intention to annex Final Parcel Map No. 2008-13, Annexation No. 3, to City of Fresno Community Facilities District No. 9 and setting the public hearing for May 2, 2013 at 10:00 a.m. **(Property located in District 2)** (southwest corner of W. Herndon Avenue and N. Riverside Drive) – Public Works Department

**Action Taken:** Resolution No. 2013-42 adopted

- B. Approve an agreement with Blair, Church & Flynn Consulting Engineers in the amount of \$81,500 to provide professional engineering services for the northbound State Route 41 off ramp improvements at Shaw Avenue **(Property located in District 4)** – Public Works Department

**Action Taken:** Approved

1. **CONSENT CALENDAR CONTINUED**

- C. Approving the Final Map of Tract No. 5447 and accepting the dedicated public uses offered therein (*Property located in District 4*) – Public Works Department
1. **RESOLUTION** - Approving the Final Map of Tract No. 5447 and accepting the dedicated public uses offered therein  
**Action Taken:** Resolution No. 2013-43 adopted
  2. Authorize the Public Works Director or his designee to execute the subdivision agreement and the covenant for the maintenance of certain improvements under Community Facilities District No. 11 on behalf of the City  
**Action Taken:** Authorized
  3. Authorize the Director of Public Utilities or his designee to execute the covenant for special solid waste disposal services and the covenant deferring payment of the Fowler interim fee surety to the time of occupancy on behalf of the City  
**Action Taken:** Authorized
  4. Authorize the Development and Resource Management Director or his designee to execute the covenant deferring eligible development impact fees to the time of occupancy and the covenant acknowledging right to farm law on behalf of the City  
**Action Taken:** Authorized
- D. Reject all bids for Shields Avenue bike lane improvements – West Avenue to Maple Avenue and direct staff to re-bid the project as soon as possible (*Property located in Districts 1, 4 & 7*) – Public Works Department  
**Action Taken:** Rejected
- E. Reject all proposals for contractor to provide lead based paint inspection, testing, consultation and clearance – Development and Resource Management Department  
**Action Taken:** Rejected
- F. Approve the appointment of David Mercer to the Fresno Regional Workforce Investment Board – Council President Xiong  
**Action Taken:** Removed from the agenda
- G. Bills amending the Fresno Municipal Code regarding language which determines the amortization period of an unfunded liability to comply with Governmental Accounting Standards Board (GASB) Statements 67 & 68 and current American Academy of Actuaries Standards Practice SSOP No. 4 – Retirement Offices
1. **BILL – (For introduction)** - Amending Section 3-324 of the Fresno Municipal Code relating to the actuarial funding of the City of Fresno Fire and Police Retirement System  
**Action Taken:** Bill No. B-10 introduced/laid over
  2. **BILL – (For introduction)** - Amending Section 3-530 of the Fresno Municipal Code relating to the actuarial funding of the City of Fresno Employees Retirement System  
**Action Taken:** Bill No. B-11 introduced/laid over

**CONTESTED CONSENT CALENDAR**

9:00 A.M. **SCHEDULED COMMUNICATION**

1. Appearance by Connie Young to discuss Earth Day Fresno events occurring on April 20, 2013 -  
Appearance made

## 2. **GENERAL ADMINISTRATION**

- A. **Actions pertaining to the Central Valley Energy Tune-up Program – Development and Resource Management Department**
1. Authorize the Interim Director of the Development and Resource Management Department to negotiate and enter into a consulting services contract in an amount of \$140,000 for marketing services for the Central Valley Energy Tune-up Program with Jeffrey Scott Agency of Fresno, CA - Development and Resource Management Department  
**Action Taken: Authorized**
  2. \* **RESOLUTION** - 48th amendment to the Annual Appropriation Resolution (AAR) No. 2012-125 appropriating \$140,000 of funding from the California Public Utilities Commission for marketing of the Central Valley Energy Tune-up Program in Fresno, Madera, Tulare, Kings, and Kern Counties  
**(Requires 5 affirmative votes)**  
**Action Taken: Resolution No. 2013-44 adopted**
- B. **Award a contract in the amount of \$3,058,347 to GFI Genfare of Elk Grove, IL, for an Automated Fare Collection system (AFC) – Transportation Department/Fresno Area Express**  
**Action Taken: Awarded**
- C. **Actions pertaining to the Recycled Water Master Plan and associated environmental documents – Department of Public Utilities**
1. **RESOLUTION** - Certifying Final Environmental Impact Report (EIR No. 44471) dated June 2011 (State Clearing House No. 2010051015)  
**Action Taken: Resolution No. 2013-45 adopted**
  2. Adopt findings of fact as required by Public Resources Code Section 21081(a) and CEQA Guidelines, Section 10591  
**Action Taken: Adopted**
  3. Approve the Mitigation Monitoring Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097  
**Action Taken: Approved**
  4. Adopt the Statement of Overriding considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines Section 10593  
**Action Taken: Adopted**
  5. Adopt the Recycled Water Master Plan  
**Action Taken: Adopted**
- D. **Actions pertaining to the Cedar Avenue overlay, Dakota Avenue to Gettysburg Avenue (*Property located in District 4*) – Public Works Department**
1. Adopt finding of a Categorical Exemption per staff determination, pursuant to Class 1 Section 15301 (Existing Facilities) of the CEQA guidelines for the Cedar Avenue overlay, Dakota Avenue to Gettysburg Avenue  
**Action Taken: Adopted**
  2. Award a construction contract with American Paving Co. of Fresno, CA in the amount of \$645,901.10 for the Cedar Avenue overlay, Dakota Avenue to Gettysburg Avenue and authorize the Public Works Director, or his designee to sign the contract on the City's behalf  
**Action Taken: Awarded**

## 2. **GENERAL ADMINISTRATION CONTINUED**

- E. Actions pertaining to professional material testing and inspection services for capital improvement projects within the City of Fresno street right of way (**Property located Citywide**) – Public Works Department
1. Approve an agreement with Kleinfelder West, Inc., in the amount of \$425,000 for professional material testing and inspection services for capital improvement projects within the City of Fresno street right-of-way and authorize the Public Works Director or his designee to execute the agreement on behalf of the City  
**Action Taken: Approved**
  2. Approve an agreement with Moore Twining Associates, Inc., in the amount of \$425,000 for professional material testing and inspection services for capital improvement projects within the City of Fresno street right-of-way and authorize the Public Works Director or his designee to execute the agreement on behalf of the City  
**Action Taken: Approved**
- F. Update Council on progress made by the City with HUD – City Manager's Office  
**Action Taken: Updated given**
- G. **WORKSHOP** relating to Transportation Funding – Public Works Department and Transportation Department - Held
- H. **RESOLUTION** - Authorizing the submission of applications for grant funds totaling \$1,308,930 for Transit Oriented Development projects from the Fresno County Measure "C" Transit Oriented Development (TOD) Program and authorizing the execution of application related documents by the City Manager or designee – Development and Resource Management Department and Public Works Department  
**Action Taken: Resolution No. 2013-46 adopted as amended adding three District 5 projects**

## 3. **CITY COUNCIL**

### **SCHEDULED COUNCIL HEARINGS AND MATTERS**

#### 1:35 P.M. **JOINT MEETING WITH THE CITY OF FRESNO CULTURAL ARTS PROPERTIES CORPORATION**

- A. Actions pertaining to the purchase and sale of real property containing the historic Pacific Gas and Electric Company (PG&E)/ "Theatre 3" Building at 1544 Fulton Street (APN 466-145-07)
1. Authorize the President of the City of Fresno Cultural Arts Properties Corporation ("COFCAP") to execute a deed of easement in favor of PG&E (**COFCAP action**)  
**Action Taken: Authorized**
  2. Authorize the City Manager, or designee, and the President of COFCAP to execute the sale of the subject property from COFCAP to the City of Fresno (**COFCAP and City action**)  
**Action Taken: Authorized**
  3. Authorize the City Manager, or designee, to execute the sale of the subject property from the City of Fresno to Reza Assemi (**City action**)  
**Action Taken: Authorized**

**ADJOURN**

**A. CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6****City Negotiator(s):** Bruce Rudd, Ken Phillips**Employee Organizations:**

1. IUOE, Stationary Engineers, Local 39 (L39)
2. Fresno City Employees Association (FCEA)
3. Fresno Police Officers Association (FPOA Basic)
4. International Association of Firefighters, Local 753 (Fire Basic)
5. Amalgamated Transit Union, Local 1027 (ATU)
6. International Brotherhood of Electrical Workers, Local 100 IBEW)
7. Fresno Police Officers Association (FPOA Management)
8. International Association of Firefighters, Local 753 (Fire Mgmt)
9. City of Fresno Professional Employees Association (CFPEA)
10. City of Fresno Management Employees Association (CFMEA)
11. Fresno Airport Public Safety Supervisors (FAPSS)

**Action Taken:** Held**B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)**

1. Luis Sanchez, et al. v. City of Fresno et al.; United States District Court Case No. 12-CV00428 LJO-SKO
2. Luis Moreno v. Christopher Long, et al. Fresno County Superior Court Case No.: 11CECG01448
3. Concerned Citizens of West Fresno v. The City of Fresno and Darling International Incorporated; Fresno Superior Court Case No. 12 CE CG 01151
4. City of Fresno v. County of Fresno and Real Party in Interest, Friant Ranch L.P. Fresno County Superior Court Case No.: 11CECG00706 (Consolidated with Fresno County Superior Court Case Nos. 11CECG00709 and 11CECG00726)
5. City of Fresno v. Fresno County Local Agency Formation Commission (LAFCO) and Real Party in Interest, Friant Ranch L.P., Friant Ranch No. 2, L.P., Whispering Springs LLC; Friant Station Inc.; Depot Development, Inc.; County of Fresno, Board of Supervisors of the County of Fresno; Fresno County Waterworks, District No. 18 Fresno County Superior Court Case No. 11CECG03812
6. City of Fresno v. Fresno County Local Agency Formation Commission; and Real Parties in Interest Waterworks District No. 18; Friant Ranch L.P.; Friant Ranch No. 2 L.P.; Whispering Springs LLC; Friant Station Inc.; Depot Development, Inc. Fresno County Superior Court Case No. 13CECG00392
7. City of Fresno v. Donald E. Jackley, et al. Fresno Superior Court Case No. 12CECG02346

**Action Taken:** Held**C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Government Code Section 54957****Title:** City Clerk**Action Taken:** Held

**PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING**

**UNSCHEDULED COMMUNICATION –** Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

- April 25 - 10:00 A.M. HEARING** to consider Conditional Use Permit Application No. C-11-153 located at 1225 S. Maple Avenue (APN: 474-300-08) filed by Vincent Palacios of Designed Drafting. ***(Property located in District 5)*** – Development and Resource Management Department
- May 2 - 10:00 A.M. HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 4 (Final Parcel Map No. 2008-13) (northwest corner of W. Herndon Avenue and N. Riverside Drive) ***(Council District 2)***
- May 9 - 8:30 A.M. – COUNCIL MEETING**
- May 16 - NO MEETING – RECESS**
- May 23 - 10:00 A.M. HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 4 (Final Parcel Map No. 2006-20) (N. Figarden Drive and N. Gates Avenue) ***(Property located in District 2)***
- June 6 - 10:00 A.M. HEARING** to adopt resolutions and ordinance amending the annex territory, changing the services and the rate and method of apportionment and setting a new maximum special tax for Community Facilities District No. 11, Annexation No. 31 (Final Tract Map No. 5358) ***(Council District 2)*** (north side of Spruce to the River Bluff, between Riverside and Thiele)

## **UPCOMING EMPLOYEE CEREMONIES**

- April 24 (Weds) 2:00 P.M.** Presentation of Employee Service Awards - Council Chambers – ***(Reception immediately following - 2<sup>nd</sup> floor foyer)***
- May 23 - 8:30 A.M.** Presentation of P.R.I.D. E. Team Certificates for the spring quarter ***(Reception immediately following - 2<sup>nd</sup> floor foyer)***